

**VIRGINIA BOARD OF MEDICINE
EXECUTIVE COMMITTEE MINUTES**

Friday, April 4, 2008

Department of Health Professions

Richmond, VA

CALL TO ORDER: The meeting convened at 8:50 a.m.

MEMBERS PRESENT: Stephen Heretick, JD, President
Robert Mosby, MD, Vice-President
Jane Piness, MD, Secretary-Treasurer
Sandra Bell, MD
Suzanne Everhart, DO
Valerie Hoffman, DC
Ellen Shapiro, DPM
Malcolm Cothran, MD, Ex Officio

MEMBERS ABSENT: Gen. Clara Adams-Ender, RN, MSN, USA Retired

STAFF PRESENT: William L. Harp, MD, Executive Director
Jennifer Deschenes, Deputy Executive Director - Discipline
Barbara Matusiak, MD, Medical Review Coordinator
Ola Powers, Deputy Executive Director - Licensure
Kate Nosbisch, Deputy Executive Director – Practitioner Information
Sandra Ryals, Director, DHP
Amy Marschean, Assistant Attorney General
Elaine Yeatts, DHP Senior Policy Analyst
Colanthia Morton Opher, Recording Secretary

OTHERS PRESENT: Scott Johnson, HDJN
Tyler Cox, HDJN
Michael Jurgensen, MSV

ROLL CALL

Emergency Evacuation Procedures

Dr. Mosby gave verbal emergency evacuation instructions.

Adoption of Agenda

Dr. Bell moved to adopt the agenda as presented. The motion was seconded by Dr. Cothran and carried.

Approval of the December 7, 2007 Minutes

Dr. Mosby moved to accept the minutes of December 7, 2007. The motion was seconded by Dr. Everhart and carried.

Public Comment on Agenda Items

There was no public comment on agenda items.

NEW BUSINESS

Executive Director's Report

Dr. Harp announced that the retreat and the hearings scheduled to commence after the Executive Committee Meeting had been canceled. He strongly encouraged the Board members to use the time to do probable cause review.

Dr. Harp advised that the Board's current cash balance is approximately \$1.4 million due in large part to this being the renewal year for MDs, DOs, DCs, and DPMs.

Dr. Harp encouraged the Board members to attend the "Issues in Pain Management" conference sponsored by the Prescription Monitoring Program and the Board of Medicine, Saturday, May 3, 2008 in Norfolk, VA.

Dr. Harp informed the Committee that Ms. Nosbisch would be attending the Federation of State Medical Board's Annual meeting in his stead and that Mr. Heretick would also be looking for someone to attend in his place.

Dr. Harp acknowledged the attendees from the Medical Society of Virginia (MSV). He then advised the Committee of his recent communication with MSV regarding expiring terms and MSV's statutory option to provide three names for each position to the Governor for consideration.

Agency Director's Report

Ms. Ryals applauded the recent ongoing efforts of Board staff for the work done on the resolution of old cases.

Ms. Ryals informed the Committee that Neal Kauder has been retained to review and analyze the Board's current efforts and processes related to confidential consent agreements. Ms. Ryals advised that preliminary numbers will be provided at the June Full Board meeting.

Ms. Ryals announced that, in a continuing effort to meet the agency's critical needs, Ms. Nosbisch will be joining the administrative arm of DHP to lead the effort in document management. Ms. Nosbisch's last day with the Board of Medicine will be Wednesday, April 9, 2008. Ms. Ryals went on to say that everyone was excited to gain Ms. Nosbisch's expertise and skill for this new venture.

and looked forward to her leadership in the development and success of document management as she did with the Profile project.

Ms. Ryals also took the opportunity to support Dr. Harp's request of the Board members to commit as much time as possible to the resolution of old cases in order to meet established key performance measures.

Lastly, Ms. Ryals informed the Committee that in the near future, Karen Remley, MD, MBA, newly appointed State Health Commissioner, will be addressing the Board about simple measures that can be implemented by our licensees to reduce the spread of transferable diseases.

Mr. Heretick asked that the minutes reflect the Committee's unanimous appreciation to Ms. Nosbisch for her work and dedication to the Board of Medicine. Mr. Heretick read a resolution that described some of Ms. Nosbisch's accomplishments since April 2000, and advised that a copy will be provided to the Human Resources Department for her permanent personnel file. Ms. Nosbisch received a standing ovation from the Committee and Board staff.

Ms. Nosbisch thanked Ms. Ryals and the Committee for their comments and stated that she feels honored to have worked under the direction of Dr. Harp and considered him a mentor. Ms. Nosbisch went on to say that she looks forward to working with all the boards in the agency.

Petition for Rulemaking – 18VAC85-20-140

Ms. Yeatts introduced this issue and reviewed the petition in the packet. The petition had been placed on Regulatory Townhall on January 29, 2008 and remained open for public comment through March 24, 2008. No public comment was received through Regulatory Townhall during that period. Dr. Harp further provided the Committee with the letter of inquiry from Senator Cucinelli, the response to the Senator's letter from Dr. Harp, the TH-01 agency background document on this issue, and an e-mail from Sarwat Siddiqi, MD to Senator Cucinelli on March 24, 2008, copied to Board of Medicine staff. After consideration of the facts in this matter, Dr. Cothran moved to deny the petition for rule-making. Dr. Bell seconded the motion. The vote was unanimous.

Bylaws Amendment

Dr. Harp reviewed the proposed changes to the Bylaws noting that the changes would synchronize all the sections appropriately.

The changes are as follows:

Article II (A) **President** - ... The President shall appoint the members of the Executive Committee, Credentials Committee, Finance Committee, Committee of the Joint Boards...

Article II (C) **Secretary/Treasurer** – As presented.

Article IV – **Committees** (D) ... The Committee shall meet ~~at least twice a year~~ as necessary.

Dr. Cothran moved to accept the proposed amendments above. Dr. Piness seconded the motion. The motion carried unanimously.

Discipline Report

Ms. Deschenes reviewed the current status of discipline cases and advised that efforts by APD and respondent attorneys to settle cases have had a significant impact on the disposition and timely resolution of cases.

Ms. Deschenes informed the Committee that even though a strong effort has been directed at diminishing the backlog of older cases, new cases were steadily coming in from the Enforcement Division. Ms. Deschenes reiterated the need for commitment of time from the Board members to resolve existing cases. Ms. Deschenes also reminded the Committee that an advisory letter is a very useful tool in cases that are closed without the finding of a violation but wherein a concern exists about an aspect of the licensee's practice.

Mr. Heretick encouraged the Committee to continue the steady job they have been doing in probable cause review and serving on fact-finding committees. Mr. Heretick stated that no matter how an entity evaluated the work of the Board, its processes should not be compromised. The commitment to reach the right decision, no matter the length of time required, is necessary for the protection of the public and the provision of due process.

Announcements

There were no new announcements.

Next scheduled meeting: August 8, 2008

Adjournment: With no other business to conduct, the meeting adjourned at 9:38 a.m.

Stephen E. Heretick, JD
President

William L. Harp, M.D.
Executive Director

Colanthia Morton Opher
Recording Secretary